

Draft stakeholder engagement plan for the development of the Mining Regulations

Project: Developing the Mining Regulations for the Statutes Amendment (Mineral Resources) Act 2019

Commencement date: November 2019

Completion date: November 2020

Disclaimer: The draft Stakeholder Engagement Plan for developing and finalising the Mining Regulations is presented for the purpose of providing information for the benefit of interested stakeholders. The Department for Energy and Mining (DEM) intends to use this plan as an approach used for the purpose of engaging interested stakeholders, and will revise the approach outlined based on feedback and internal and external factors not known at the time of the release of this document. Should changes to the engagement process, timelines, and content occur, information will be updated on the [Updates on Mining Regulations 2020](#) web page.

INTRODUCTION

- DEM will be engaging interested stakeholders on the development of Mining Regulations to support the *Statutes Amendment (Mineral Resources) Act 2019* (revised Mining Act)
- Engagement with interested stakeholders will provide an opportunity to work with key groups to participate in the drafting process and help shape the Regulations
- Stakeholders will have the opportunity to understand changes through the process and be informed on how the changes will impact them. They will have the opportunity to provide input on the draft Regulations via submission forms
- Relationships with stakeholders will continue to develop as an outcome of the engagement process

BACKGROUND INFORMATION

- In 2016, the Department for Energy and Mining led a major review of South Australia's mining laws and is now developing the Mining Regulations that sit under the revised Mining Act
- Multiple meeting and engagements were held with stakeholders in a variety of forums across the state to help finalise the Mining Bill
- Engaging with interested stakeholders at this stage is beneficial and necessary to ensure that the draft regulations identify and carefully consider issues resulting from changes to the Act from a variety of views and opinions
- The deadline for completing the draft regulations is the beginning of 2021. In order to simplify the process for contributing input on the draft regulations within this time frame, requests for feedback and comments on the draft regulations will be undertaken at different stages on different topics. This will ensure interested stakeholders do not have to wade through one long draft regulations document at the end of 2020.

PURPOSE OF ENGAGEMENT

- To engage interested stakeholders and **consult** on the drafting of regulations for the revised Mining Act
- To ensure that the draft regulations identify and consider issues resulting from changes to the Act from a variety of views and opinions

KEY ISSUES

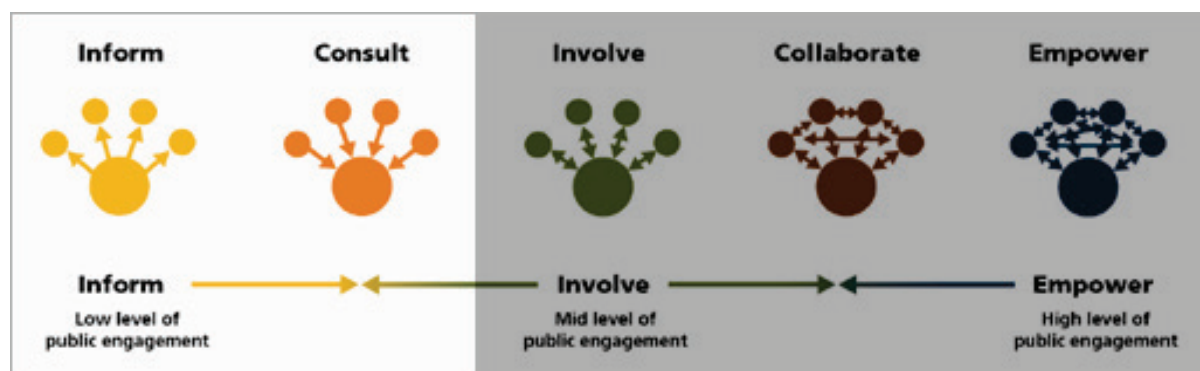
- Drafting of regulations will be staged from February through September 2020
- All feedback on the draft regulations will be provided via a submission form on a topic specific template to ensure data is captured and informs the subject matter being discussed within the particular draft regulation
- Processes for non-digital submissions will be available and welcomed

ENGAGEMENT OBJECTIVES

- To **inform** stakeholders on the process for the drafting of regulations
- To ensure interested stakeholders have the opportunity to participate in the engagement process
- To **consult** with stakeholders on the drafting of the regulations and ensure respect and due consideration is given to their views
- To provide feedback to stakeholders on the regulations as the process moves towards finalisation through the engagement process

ENGAGEMENT APPROACH

- The engagement program for drafting regulations will follow the International Association for Public Participation (IAP2) spectrum and guidelines using the inform and consult approaches



IAP2 spectrum	DEM's role	Stakeholder's role
Inform	Provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions	Listen - Engage in listening to information, seeking clarification and developing a deeper understanding
Consult	Obtain public feedback via analysis, alternatives and options	Contribute - Participate in discussions, provide comments via submission forms, and provide feedback

STAKEHOLDER ANALYSIS

DEM understands there are many groups and individuals who will wish to be engaged on the development of the regulations. A comprehensive engagement database has been developed for the purpose of identifying relevant stakeholders and informing individuals on the process and how they can participate. For the purpose of this plan, stakeholders are identified into broad categories as outlined below.

Stakeholder	Interest	Expectations	IAP2 level
Government agencies	High	To be provided with information on the draft regulations and informed on how they can participate and contribute to the drafting process	Inform / Consult
Relevant community members	High	To be provided with information on the draft regulations and informed on how they can participate and contribute to the drafting process	Inform / Consult
Mining industry	High	To be provided with information on the draft regulations and informed on how they can participate and contribute to the drafting process	Inform / Consult
Mining industry businesses and related	High	To be provided with information on the draft regulations and informed on how they can participate and contribute to the drafting process.	Inform / Consult
Non government organisations (NGOs)	High	To be provided with information on the draft regulations and informed on how they can participate and contribute to the drafting process	Inform / Consult

ENGAGEMENT SUMMARY TABLE

Project stage	Estimated timing	Stakeholders	Technique/s	Who and where	Engagement level and objective
Stage 1					
<ul style="list-style-type: none"> • Competency of Mine Managers 	April 2020	Relevant stakeholders	<ul style="list-style-type: none"> • YourSAy website 	<ul style="list-style-type: none"> • Online • As required 	Inform / Consult
<ul style="list-style-type: none"> • Access to land, public participation and engagement 	April 2020		<ul style="list-style-type: none"> • Industry specific forums and meetings 		
<ul style="list-style-type: none"> • Mining Register, collection and release of data and information 	April 2020		<ul style="list-style-type: none"> • Formal newsletter • Regional information sessions (Cleve, Maitland, Mt Barker) 	<ul style="list-style-type: none"> • DEM • DEM 	
Stage 1.2					
Feedback on Stage 1	May 2020	Sent to all	<ul style="list-style-type: none"> • Formal newsletter • Evaluation survey 	<ul style="list-style-type: none"> • DEM • DEM 	Inform
Stage 2					
<ul style="list-style-type: none"> • Opal mining 	June 2020	Relevant stakeholders	<ul style="list-style-type: none"> • YourSAy website 	<ul style="list-style-type: none"> • Online • As required 	Inform / Consult
<ul style="list-style-type: none"> • Compliance and enforcement and Warden's Court 			<ul style="list-style-type: none"> • Industry specific forums 		
<ul style="list-style-type: none"> • Private mines, exploration licenses and mineral claims 			<ul style="list-style-type: none"> • Formal newsletter • Regional information session (Coober Pedy) 	<ul style="list-style-type: none"> • DEM • DEM 	
Stage 2.1					
Feedback on Stage 2	July 2020	Sent to all	<ul style="list-style-type: none"> • Formal newsletter • Evaluation survey 	<ul style="list-style-type: none"> • DEM • DEM 	Inform
Stage 3					
<ul style="list-style-type: none"> • Royalties and finance 	August 2020	Relevant stakeholders	<ul style="list-style-type: none"> • YourSAy website 	<ul style="list-style-type: none"> • Online • As required 	Inform / Consult
<ul style="list-style-type: none"> • Common provisions 			<ul style="list-style-type: none"> • Industry specific forums 		
<ul style="list-style-type: none"> • Production tenements 			<ul style="list-style-type: none"> • Formal newsletter 	<ul style="list-style-type: none"> • DEM 	
<ul style="list-style-type: none"> • Operating approvals 			<ul style="list-style-type: none"> • Regional information session (TBC) 		
Stage 4					
<ul style="list-style-type: none"> • Final feedback Report, stakeholder feedback on engagement process and next steps 	September 2020	Sent to all stakeholders involved in Mining Regulations engagement	<ul style="list-style-type: none"> • YourSAy website • Evaluation survey • Formal newsletter 	<ul style="list-style-type: none"> • Online • DEM • DEM 	Inform

RURAL ENGAGEMENT (DRAFT)

An important component of the engagement process will be engaging and informing stakeholders in key regional areas on the drafting of the Mining Regulations process and how they can participate with comments on the drafts as they are released. Although the table is subject to change, the approach for engagement is outlined below.

Location	Topic areas	Timing
Cleve	<ul style="list-style-type: none"> • Access to land, public participation and engagement • Mining Register, collection and release of data and information 	Stage 1 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>
Maitland	<ul style="list-style-type: none"> • Access to land, public participation and engagement • Mining Register, collection and release of data and information 	Stage 1 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>
Mt Barker	<ul style="list-style-type: none"> • Access to land, public participation and engagement • Mining Register, collection and release of data and information 	Stage 1 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>
Cooper Pedy	<ul style="list-style-type: none"> • Opal mining 	Stage 2 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>
Cleve	<ul style="list-style-type: none"> • Royalties and finance • Common provisions • Production tenements • Operating approvals • Compliance and enforcement and Warden's Court • Private mines, exploration licences and mineral claims 	Stage 2,3 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>
Maitland	<ul style="list-style-type: none"> • Royalties and finance • Common provisions • Production tenements • Operating approvals • Compliance and enforcement and Warden's Court • Private mines, exploration licences and mineral claims 	Stage 2,3 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>
Mt Barker	<ul style="list-style-type: none"> • Royalties and finance • Common provisions • Production tenements • Operating approvals • Compliance and enforcement and Warden's Court • Private mines, exploration licences and mineral claims 	Stage 2,3 - <i>Date and location to be confirmed</i> - <i>Afternoon session x 1</i> - <i>Evening session x 1</i>

Regional information sessions will be conducted by a formal facilitated process in the following manner:

- Participants will be asked to book via Eventbrite to manage numbers and ensure catering and accommodation does not exceed venue safety standards
- Sessions will be at council or government department offices
- Two one-hour sessions will be available at each location at both 2 pm and 7 pm

The goal of these sessions is to support interested stakeholders prepare public submissions. It will not be a forum for broad-ranging topics of discussion.

Draft agenda

Arrival and welcome	Welcome, housekeeping, session format	5 mins
Setting the scene	Background on the Mining Act and why regulations need to be developed	10 mins
Regulation topics	Content on the specific draft regulation topics will be provided for informing and understanding	20 mins
Providing feedback	Participants will be provided with information on how they may provide formal submission feedback on regulations	10 mins
Question and answer session	Participants can ask questions on information provided	10 mins
Wrap up and next steps	Information will be provided on how attendees can be involved by sending off their submission and receiving further information and updates	5 mins

MINISTERIAL ENGAGEMENT

DEM will be engaging with the Minister during the engagement program to update and inform on discussions, progress and engagement outcomes. It is anticipated there may be occasions where the Minister may choose to have engagement events with stakeholders. DEM will support the Minister and seek to align if required and deemed efficient, and will advise stakeholders on how they may participate in these events.

KEY MESSAGES

- In 2016, the Department for Energy and Mining led a major review of South Australia's mining laws and is now developing the Mining Regulations that sit under the *Statutes Amendment (Mineral Resources) Act 2019*.
- Multiple meetings with stakeholders across the State were undertaken, including a variety of information sessions, face-to-face meetings, and support for the development of written submissions.
- The South Australian Parliament passed the *Statutes Amendment (Mineral Resources) Act 2019* on 17 October 2019.

- *“The changes mean landowners will have more time, more legal support, increased access to justice and stronger protections when approached by exploration and mining companies.”¹*
- *“This will simplify the process for all involved in exploration and mining operations and introduce more stringent and modern environmental enforcement powers to ensure that operations and rehabilitation occur in line with approvals.”²*
- The deadline for completing the regulations is the beginning of 2021, a period of 12 months.
- To simplify the process and input on the draft regulations, requests for feedback and comments on the regulations will be undertaken at different stages on different topics within the regulations.
- All feedback will be considered and help inform changes where they align with the *Statutes Amendment (Mineral Resources) Act 2019* and DEM Strategic Direction 2018-2021.
- DEM will provide feedback on specific topic areas as they are finalised.

COMMUNICATIONS

The Department will be undertaking communications and engagement using the following mechanisms, demonstrating its commitment to ensuring relevant stakeholders have the opportunity to participate and be heard.

- Website
 - A dedicated page on the DEM website will provide documents and information on the consultation process and content relating to the drafting of new regulations to support the Act
- YourSAy
 - A public facing portal on the SA Government public engagement platform will be used as the primary point for online engagement. This will enable comments to be captured and information to be downloaded for formal submissions
- DEM online newsletter
 - A newsletter approach to informing stakeholders will be provided to stakeholders involved in providing feedback on draft Regulations to keep them informed of the process, how and when they can continue to be involved, updates on specific finalised draft Regulations, and what the next steps are. Timing of these will be:
 - Commencement of the engagement
 - May 2020, outlining feedback to date on first topic areas, and next steps
 - July 2020, outlining feedback to date on second topic areas, and next steps
 - September 2020, feedback on process draft regulations, and next steps
- Industry information sessions
 - Industry and select community meetings will be undertaken during the duration of the engagement process

¹ (Media release, Hon Dan van Holst Pellekaan MP, Minister for Energy and Mining)
http://www.energymining.sa.gov.au/minerals/latest_updates/mining_bill_to_improve_landowner_rights_and_promote_investment_in_the_regions

² See footnote 1.

PARAMETERS AND LIMITATIONS

Negotiable	Not negotiable
<ul style="list-style-type: none"> Feedback and contributions to the development and drafting of regulations is relevant, valued and will be considered Requests for stakeholder representative meetings will be considered 	<ul style="list-style-type: none"> Matters outside of the <i>Statutes Amendment (Mineral Resources) Act 2019</i> Time to deliver and write the completed regulations All feedback will be through formal submissions on an approved template

FEEDBACK

Feedback to participants	Who will do it	When
Commencement of the engagement	DEM	February 2020
Inform on feedback to date on first topic areas, and next steps	DEM	May 2020
Inform on feedback to date on second topic areas and next steps	DEM	July 2020
Inform on the results of the engagement process, and drafting of the regulations and next steps to completion	DEM	September 2020

EVALUATION

What success looks like for:

The project team	The decision maker	The stakeholders
<ul style="list-style-type: none"> Stakeholders have had the opportunity to participate in the drafting of regulations and provide their views on content The engagement process is well received and respectful of interested stakeholders The engagement process is delivered on time in a safe and professional manner Input into the draft regulations is included in the final regulations 	<ul style="list-style-type: none"> Stakeholders have had the opportunity to participate and provide their views Stakeholders contribute to the development of the new regulations The process is delivered on time and efficiently utilising government resources Stakeholders value the process and new regulations 	<ul style="list-style-type: none"> Participation in the process is valued and contributions made are valued and assist in drafting the regulations New regulations reflect the intent of the Act and support stakeholders' views

Evaluation measure:

	How will we measure?	Who will do it?
How successful was the engagement?	<ul style="list-style-type: none"> • Stakeholders will be asked for their contact details as they become involved in the engagement process • A short online survey will be sent to all participants asking for their feedback on content and process after select stages of the engagement process • A final online survey will be sent to all stakeholders at the completion of the engagement in August 2020 seeking feedback on the process and content of the drafting process, as well as additional comments on how we can improve. This will form a section of the final report which will be sent back to stakeholders reflecting: <ul style="list-style-type: none"> ○ What we did ○ What worked well ○ What we heard ○ Recommended process improvements ○ Next steps ○ Others 	DEM
What did we learn?	<ul style="list-style-type: none"> • Feedback from all stakeholders will be shared with the project team and across DEM 	DEM